

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
58/8 Rayville Road, 290 ft.
NE of Middletown Road
1523 Rayville Road
6th Election District
3rd Councilmanic District
Michael Bertazon, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 37 ft., in lieu of the minimum required 50 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and

for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of December, 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 37 ft., in lieu of the minimum required 50 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES/mm

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/19/92
By Mr. Bertazon

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 2, 1992

Mr. and Mrs. Michael Bertazon
1523 Rayville Road
Parkton, Maryland 21120

RE: Petition for Administrative Zoning Variance
Case No. 93-143-A
1523 Rayville Road

Dear Mr. and Mrs. Bertazon:

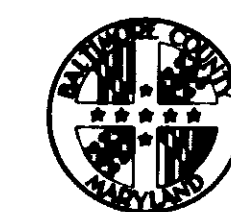
Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1523 Rayville Road
which is presently zoned RC 5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 to allow a rear yard setback (for a proposed addition) of 37 ft. in lieu of the minimum required 50 ft.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
- 1) Existing Hardship: By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required.
 - 2) Existing Hardship: By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required.
 - 3) Existing Hardship: By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required.

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Name Address and phone number of legal owner (owner, purchaser or representative to be contacted)
Signature
Address
City State Zipcode
Phone No.
1523 Rayville Rd. 343-1223
Parkton, MD 21120
MICHAEL BERTAZON
1523 RAYVILLE RD. 343-1223
PARKTON, MD 21120

A Public Hearing has been held and/or held to be held. It is ordered by the Zoning Commissioner of Baltimore County, this day of December, 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: [Signature] DATE: 12-30-92
ESTIMATED POSTING DATE: 12-15-92
ITEM #: 153

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 1523 RAYVILLE RD
PARKTON MD 21120

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty.)
1) Existing Hardship: By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required.
2) Existing Hardship: By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required.
3) Existing Hardship: By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required. By Baltimore County's Zoning Regulations, rear yard setbacks are required.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Michael Bertazon
Michael Bertazon
Signature of Affiant(s)
Signature of Affiant(s)
Signature of Affiant(s)

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss. I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same was presented to me for recording.

I HEREBY CERTIFY, this 29 day of October, 1992, before me, a Notary Public of the State of Maryland, and that the County aforesaid, personally appeared

MICHAEL BERTAZON & MARINE M. BERTAZON

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/29/92

My Commission Expires: 12/19/93

THE DESCRIPTION

Zoning description for 1523 Rayville Road.

Beginning at a point on the Southeast side of Rayville Rd at the distance of 290±(feet) Northeast of Middletown Rd. Being Lot # (14), in the subdivision of Ellens Choice II as recorded in Baltimore County Plat Book # (59), Folio # (149) containing 1.009 ac±. Also known as 1523 Rayville Road and located in the (6th) Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

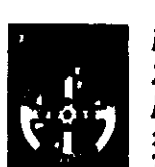
District: 6th
Posted for: Variance
Petitioner: Michael & Marine Bertazon
Location of property: 1523 Rayville Rd. NE of Middletown Rd.
Location of signs: Signs are being placed on property adjacent to the property.
Remarks:
Posted by: [Signature]
Number of Signs: 1
Date of return: 11/12/92

Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21204

10-30-92
Mr. & Mrs. Michael Bertazon
1523 Rayville Rd.
Parkton, MD, 21120

Residential Variance Filing Fee (Administrative) \$50.
Sign - 35.
\$ 85.00

0440480114WICHES
B. 021124WICHES
Please Make Checks Payable To Baltimore County



Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 10/30/92
Account: R-001-6190
Number: 153
PUBLIC HEARING FEE \$50.00
SIGN FILING FEE \$35.00
TOTAL \$85.00
Please Make Checks Payable To Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

November 16, 1992 (410) 887-3353

Mr. and Mrs. Michael Bertazon
1523 Rayville Road
Parkton, MD 21120

RE: Case No. 93-143-A, Item No. 153
Petitioner: Michael Bertazon, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Bertazon:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 30th day of October, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Michael Bertazon, et ux
Petitioner's Attorney:

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DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *David A. Ramsey* Date 11/16/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Anthony J. and Susan M. DiBartolomeo	140		11-9-92 NC
✓ Irving R. and Joyce L. Bauer	149		NC
✓ Andrew I. David	150		NC
DED DEPRM RP STP TE			Comment
John P. and Brenda J. Morgan	152		NC
✓ Michael and Nadine Bertazon	153		NC
Richard M. Diette	155		Comment

COUNT 7

90476 Stonegate at Patapsco (Azeal Property)
ZON DEPRM TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

FINAL TOTALS
COUNT 8

*** END OF REPORT ***

Rec'd 11/17/92

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 153 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David A. Ramsey 11/9/92
John Contestabile, Chief
Engineering Access Permits
Division

Rec'd 11/16/92

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 12, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(November 9, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Anthony and Susan DiBartolomeo, Item No. 140 ✓
Irving and Joyce Bauer, Item No. 149
Andrew I. David, Item No. 150
John and Brenda Morgan, Item No. 152
Michael and Nadine Bertazon

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Ervin McDaniel*

EMCD/FM:rdn

140/53.ZAC/ZAC1

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

11/16/92

Development Review Committee Response Form
Authorized signature *Arnold Jablon* Date 11/16/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Edward L. And Linda M. Gittings	134		11-2-92 W/L
DED DEPRM RP STP TE			
✓ Anthony J. and Susan M. DiBartolomeo	140		11-9-92 N/C
DED DEPRM RP STP TE			
✓ Irving R. and Joyce L. Bauer	149		N/C
DED DEPRM RP STP TE			
✓ Andrew I. David	150		N/C
DED DEPRM RP STP TE			
Baltimore Cnty Landsdowne Vol Fire Dept.	151		MT
DED DEPRM RP STP TE			
✓ John P. and Brenda J. Morgan	152		N/C
DED DEPRM RP STP TE			
✓ Michael and Nadine Bertazon	153		N/C
DED DEPRM RP STP TE			
Richard M. Diette	155		W/L
DED DEPRM RP STP TE			

COUNT 7

Stonegate at Patapsco (Azeal Property)
90476
ZON DEPRM TE (Waiting for developer to submit plans first) 6-1-92

FINAL TOTALS
COUNT 9

Rec'd 11/17/92

93-143-A 11-30-92

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

NOVEMBER 18, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL BERTAZON AND NADINE M. BERTAZON
Location: #1523 RAYVILLE ROAD
Item No.: *153(JJS) Zoning Agenda: NOVEMBER 9, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Reipert/K/L*
Planning Group
Special Inspection Division

JP/KEK

Rec'd 12/17/92

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 4, 1992 (410) 887-3353

Michael and Nadine Bertazon
1523 Rayville Road
Parkton, Maryland 21120

Re: CASE NUMBER: 93-143-A
LOCATION: SW/8 Rayville Road, 250' NE of Middlebrook Road
1523 Rayville Road
6th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before November 15, 1992. The closing date is November 30, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

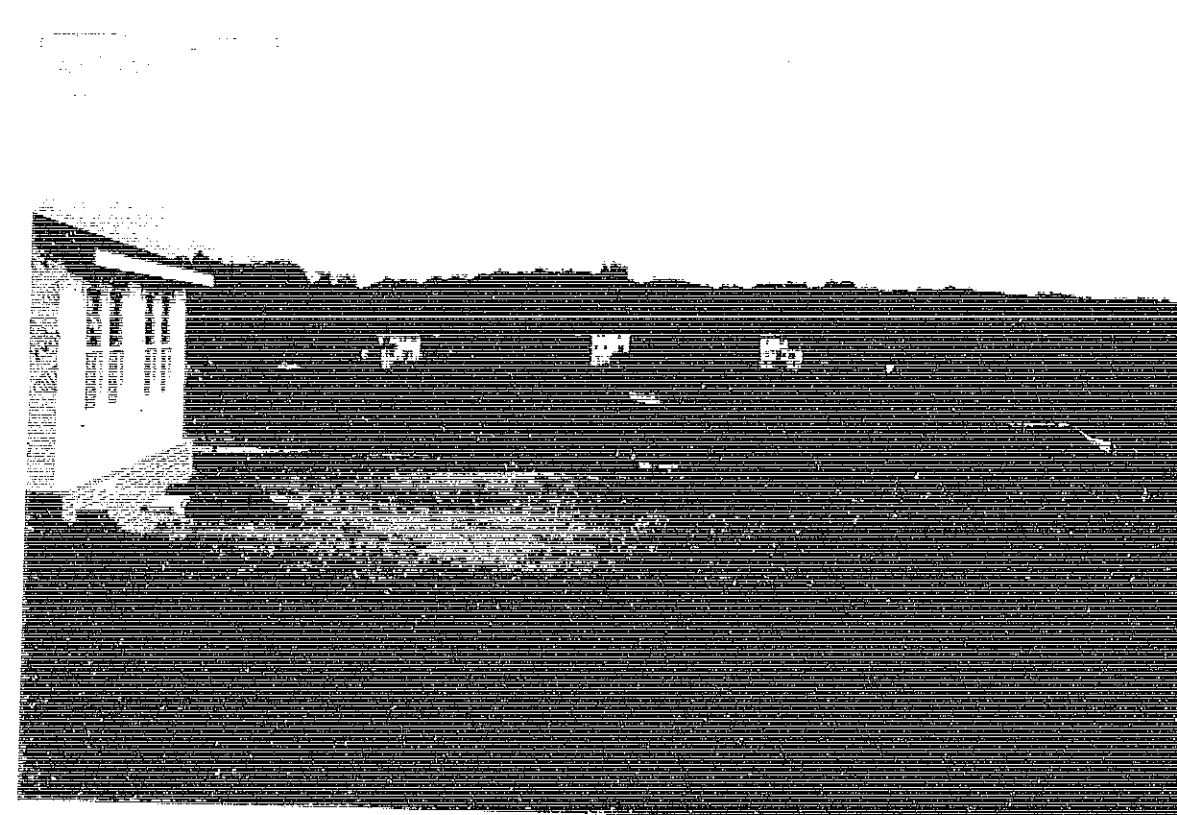
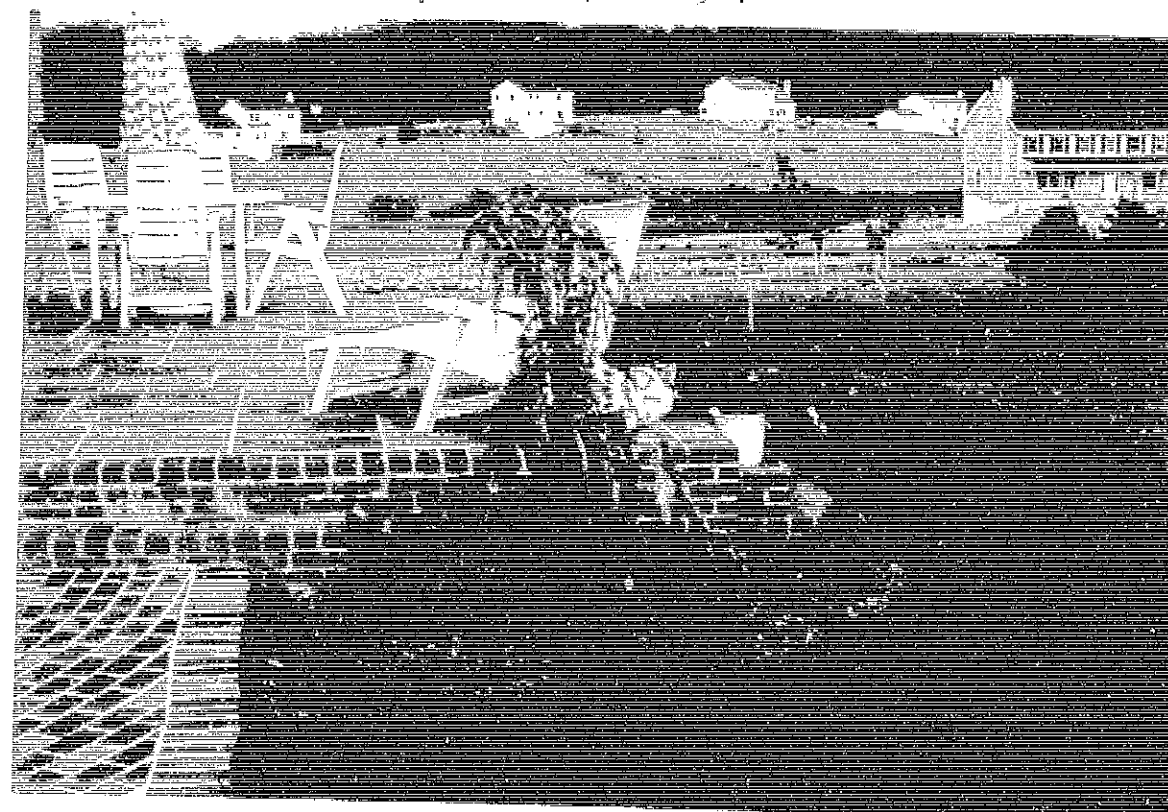
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

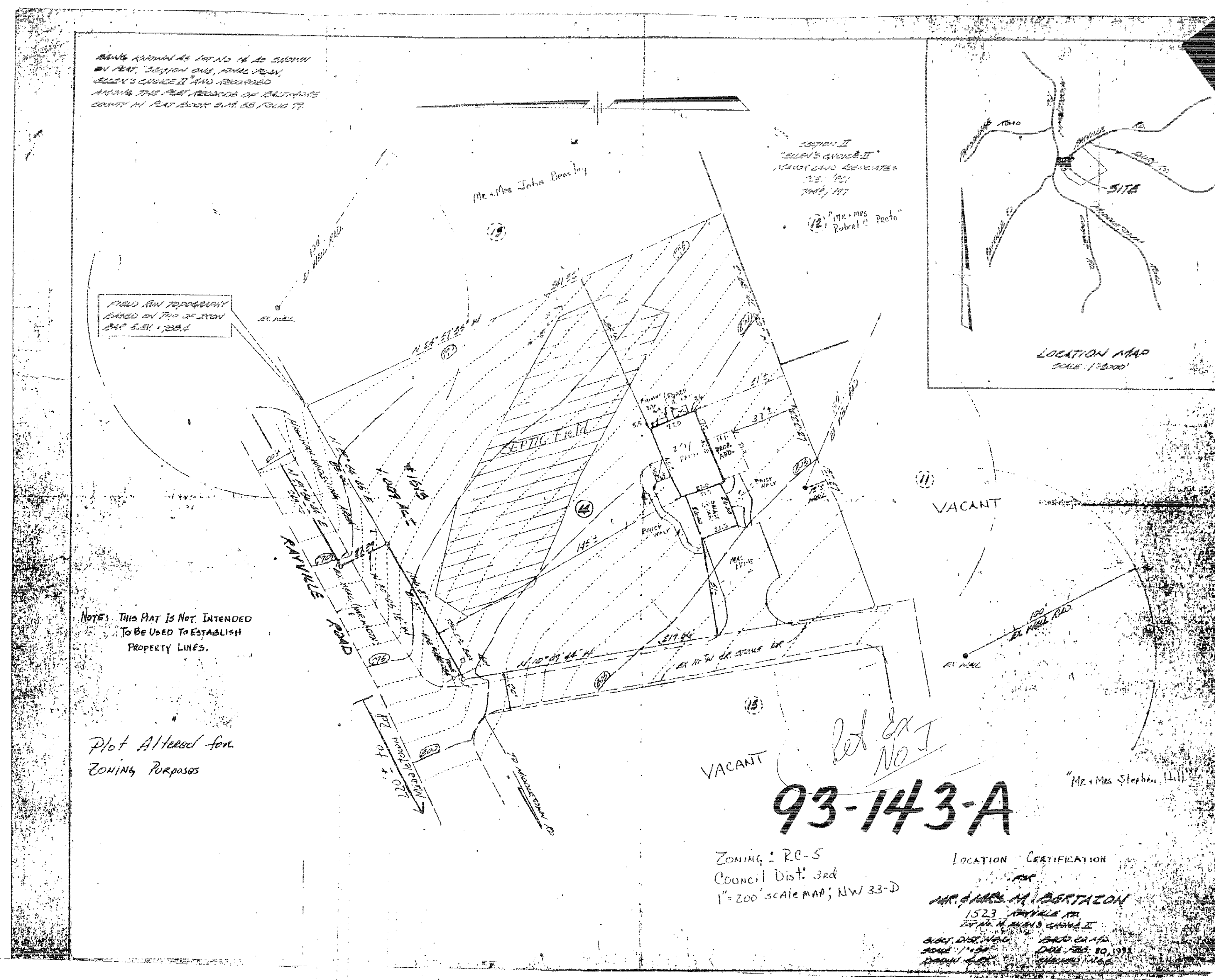
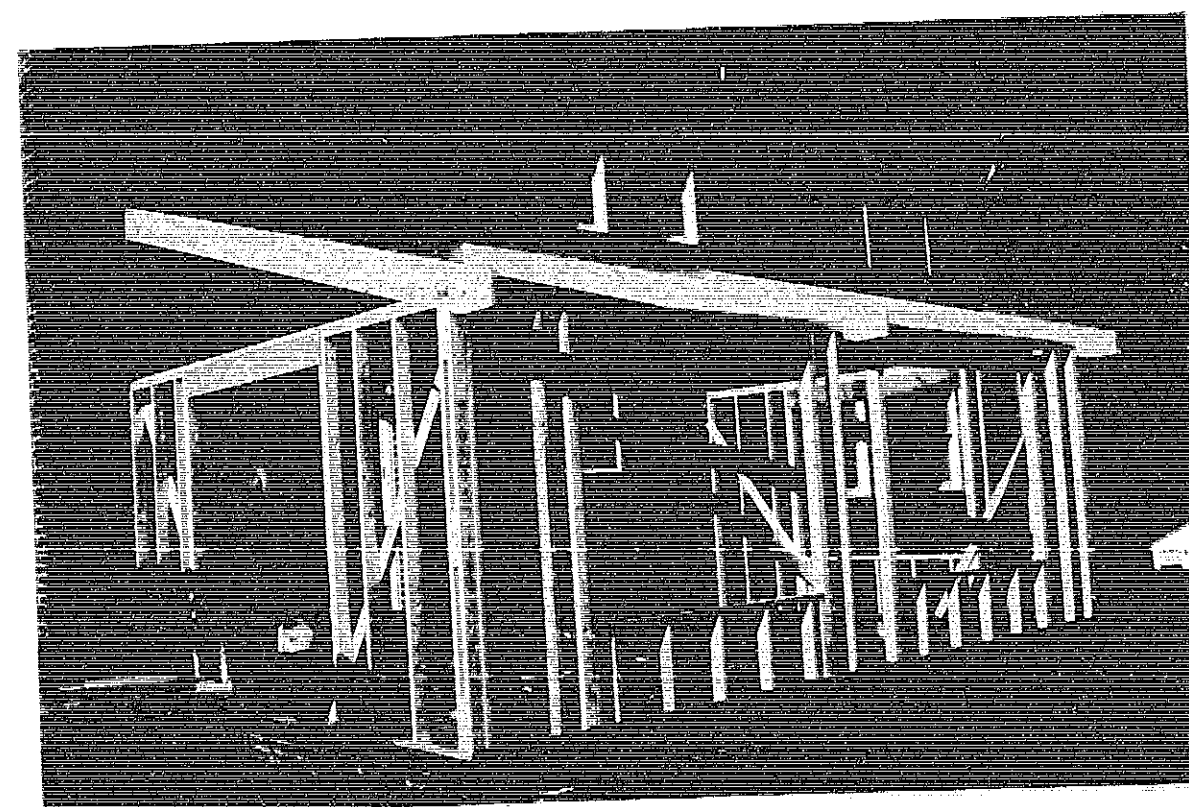
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

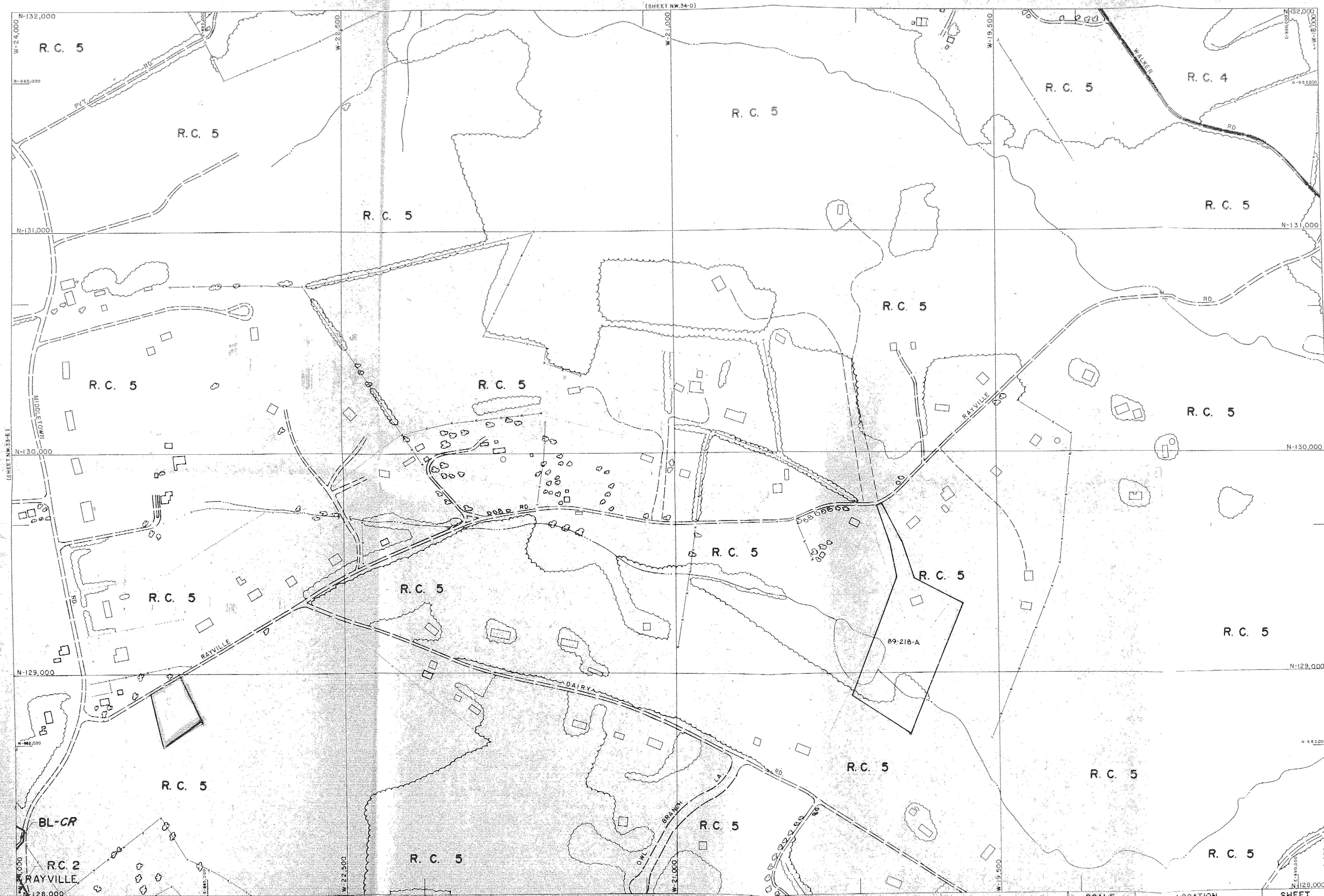
Printed on Recycled Paper

93 143-A



93-143-A





KK-SW
KK-NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

ENR Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Dale H. Smith
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
RAYVILLE

SHEET
NW
33-D

93-143-A